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Agenda item 31

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Ecuador: draft resolution

The General Assembly,

Having considered anew the question entitled "The situation of democracy and human rights in Haiti",

Recalling its resolutions 46/7 of 11 October 1991 and 46/138 of 17 December 1991, 47/20 A of 24 November 1992 and 47/20 B of 20 April 1993, as well as the resolutions and decisions adopted on the question by the Economic and Social Council, the Commission on Human Rights and other international forums,

Recalling also Security Council resolutions 841 (1993) of 16 June 1993, 861 (1993) of 27 August 1993, 862 (1993) of 31 August 1993, 867 (1993) of 23 September 1993, 873 (1993) of 13 October 1993 and 875 (1993) of 16 October 1993,

Taking note with satisfaction of resolutions MRE/RES.1/91, 1/ MRE/RES.2/91, 2/ MRE/RES.3/92 and MRE/RES.5/93, adopted on 3 and 8 October 1991, 17 May 1992 and 5 June 1993, respectively, by the Ministers for Foreign Affairs of the member countries of the Organization of American States, as well as resolutions CP/RES.594 (923/92) of 10 November 1992 and CP/SA.968/93 of 18 October 1993, adopted by the Permanent Council of the Organization of American States,

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1/ See A/46/231, annex, appendix.

2/ See A/46/550-S/23127, annex.

Taking note of the Governors Island Agreement signed on 3 July 1993 3/ and the New York Pact signed on 16 July 1993, 4/

Noting that, in spite of the efforts of the international community, President Jean-Bertrand Aristide has not been returned to power and democratic order has not been re-established in Haiti in accordance with the terms of the Governors Island Agreement,

Gravely alarmed by the persistence and worsening of flagrant violations of human rights, in particular summary and arbitrary executions, involuntary disappearances, torture and rapes, and arbitrary arrests and detentions, as well as the refusal to recognize freedom of expression, assembly and association,

Deeply concerned by the multiplication of acts of violence and intimidation against the Government of Haiti, in particular the assassination of the Minister of Justice, Françoise Guy Malary, which have contributed to the withdrawal of the International Civilian Mission to Haiti,

Deeply disturbed by the obstacles which continue to oppose deployment of the United Nations Mission in Haiti, sent under Security Council resolution 867 (1993) of 23 September 1993, and also by the fact that the Haitian armed forces have failed in their responsibility to permit the Mission to start its work,

Recognizing the importance of the measures adopted by the Security Council with a view to reaching a settlement of the Haitian crisis,

Welcoming the efforts of the Special Envoy of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States,

Taking into account its resolution 47/11 of 29 October 1992 on cooperation between the United Nations and the Organization of American States,

Having regard to the report of the Secretary-General dated 13 October 1993 5/ informing the Security Council that the military authorities of Haiti, including the metropolitan police of Port-au-Prince, have not complied with the Governors Island Agreement, and also the report submitted by the International Civilian Mission to Haiti on 25 October 1993 6/ and the report submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Haiti on 10 November 1993, 7/

3/ A/47/975-S/26063, para. 5.

4/ A/47/1000-S/26297, annex.

5/ S/26573.

6/ A/48/532, annex.

7/ A/48/561, annex.

Taking note of the statement of President Jean-Bertrand Aristide before the General Assembly on 28 October 1993, 8/

Recalling that the aim of the international community remains the prompt re-establishment of democracy in Haiti and the return of President Jean-Bertrand Aristide, the complete return of human rights and fundamental freedoms and the promotion of social and economic development in Haiti,

Considering that it is urgent to arrive as soon as possible at a definitive settlement of the Haitian crisis in accordance with the Charter of the United Nations and international law,

1. Strongly condemns again the attempt to replace unlawfully the constitutional President of Haiti, the employment of violence and military coercion and the violation of human rights in this country;

2. Condemns also all attempts to delay or prevent the immediate reinstatement of President Jean-Bertrand Aristide as the constitutional President of Haiti;

3. Declares again to be unacceptable any entity arising from this unlawful situation and demands the return of President Jean-Bertrand Aristide, as well as full implementation of the National Constitution, and consequently complete respect for human rights in Haiti;

4. Supports energetically the process of political dialogue carried out under the auspices of the Special Envoy of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States in order to resolve the political crisis in Haiti;

5. Asserts that the Governors Island Agreement continues to be the only valid framework for resolving the crisis in Haiti;

6. Asserts once again that the solution of the Haitian crisis must take into account resolutions MRE/RES.2/91, MRE/RES.3/92 and CP/RES.594 (923/92) of the Organization of American States;

7. Takes note of the report of the Secretary-General; 5/

8. Requests the Secretary-General, acting in consultation with the Secretary-General of the Organization of American States, to do his utmost to bring back the International Civilian Mission to Haiti as rapidly as possible;

9. Encourages the Secretary-General to pursue the efforts for deploying the United Nations Mission in Haiti in accordance with the Governors Island Agreement;

10. Recalls the obligation of all Member States to comply fully and effectively with the measures adopted by the Security Council in its resolutions 841 of 16 June 1993 and 875 of 16 October 1993;

8/ See A/48/PV.41.

11. Encourages the States Members of the United Nations to offer their support anew in the framework of the Charter of the United Nations and international law, by adopting measures consistent with resolutions MRE/RES.2/91, MRE/RES.3/92 and CP/RES.594 (923/92) of the Organization of American States, acting in particular on strengthening representative democracy, constitutional order and also the trade embargo against Haiti;

12. Expresses its profound concern for the fate of the Haitian people and reasserts that the Haitian military authorities are fully responsible for the suffering resulting directly from their disrespect for the Haitian Constitution and for their public commitments to the Governors Island Agreement;

13. Confirms once again that the international community intends to increase technical, economic and financial cooperation when constitutional order has been established in Haiti, by supporting implementation of economic and social development and in order to strengthen the institutions upon whom it is incumbent to dispense justice and guarantee democracy, political stability and economic development;

14. Affirms its support for the constitutional President of Haiti, Jean-Bertrand Aristide, and his Prime Minister;

15. Requests the Secretary-General to submit to the General Assembly by mid-February, during a resumption of its forty-eighth session, a report on the implementation of the present resolution;

16. Decides to remain seized of this matter until a solution to the situation is found.